

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JUL 03 2008

JOHN P. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

OLIVIA MAYBERRY,
for D.H.

Plaintiff,

v.

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL NO. 6:07cv00019

ORDER

JUDGE NORMAN K. MOON

On July 16, 2007, I referred this case to the Honorable Michael F. Urbanski, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The parties subsequently filed cross motions for summary judgment (docket nos. 14 and 17) and on June 10, 2008, the Magistrate Judge filed a Report and Recommendation ("Report") (docket no. 20). In the Report, Judge Urbanski recommended that I deny the Commissioner's motion for summary judgment, grant Plaintiff's motion for summary judgment in part, and remand the case to the Commissioner for further proceedings. After a review of the record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the June 10, 2008 Report is hereby ADOPTED in its entirety;
2. Plaintiff's motion for summary judgment is GRANTED in part as set forth in the Magistrate Judge's Report;
3. Defendant's motions for summary judgment is DENIED;

4. the case is REMANDED to the Commissioner for further proceedings consist with the Magistrate Judge's Report and this Order.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED: This 3rd day of July, 2008



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE